

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

MICHAEL R. BROWN,)

Defendant.)

CASE NO. 055-568M

DETENTION ORDER

Offense charged: Count I: Felon in Possession; Count Two: Possession with Intent to Distribute Cocaine Base.

Date of Detention Hearing: December 6, 2005.

The Court, having conducted a contested detention hearing pursuant to Title 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds that no condition or combination of conditions which the defendant can meet will reasonably assure the appearance of the defendant as required and the safety of any other person and the community.

The Government was represented by Andrew Friedman. The defendant was represented by Nancy Tenney.

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

- (1) There is probable cause to believe the defendant committed the drug offense of Possession with Intent to Distribute Cocaine Base.

The maximum penalty is in excess of ten years.

There is therefore a rebuttable presumption against the defendant's release based upon both dangerousness and flight risk, under Title 18 U.S.C. § 3142(e).

- (2) Nothing in this record satisfactorily rebuts the presumption against release for several reasons: Using the factors below, under Title 18 § 3142 (g), the Court considered the following:

(a) The nature and circumstances of the offense charged, including whether the offense is a crime of violence or involves a narcotic drug.

(b) The weight of the evidence: This case involves surveillance of the defendant's sales of narcotics to a confidential informant.

(c) The history and characteristics of the person, including:
The person's character, physical and mental condition, family ties, employment, financial resources, length of residence in the community, community ties, past conduct, history relating to drug or alcohol abuse, criminal history, record concerning appearance at court proceedings, and whether at the time of the current offense or arrest, the person was on probation, on parole, on other release pending trial, sentencing, appeal, or completion of sentence of an offense under Federal, State, or local law.
His contacts to this area are lifetime contacts, though his involvement with local law enforcement is also lifelong (1988-

1 forward). Several of his conditions of release following
2 convictions were modified for failure to comply. Many of these
3 offenses were state drug charges (VUCSAs).

4 Based upon the foregoing information which is consistent with the
5 recommendation of U.S. Pre-trial Services, it appears that there is no condition
6 or combination of conditions that would reasonably assure future Court
7 appearances and/or the safety of other persons or the community.

8 **It is therefore ORDERED:**

- 9 (1) The defendant shall be detained pending trial and committed to the
10 custody of the Attorney General for confinement in a correction facility
11 separate, to the extent practicable, from persons awaiting or serving
12 sentences or being held in custody pending appeal;
- 13 (2) The defendant shall be afforded reasonable opportunity for private
14 consultation with counsel;
- 15 (3) On order of a court of the United States or on request of an attorney for
16 the Government, the person in charge of the corrections facility in which
17 the defendant is confined shall deliver the defendant to a United States
18 Marshal for the purpose of an appearance in connection with a court
19 proceeding; and
- 20 (4) The clerk shall direct copies of this order to counsel for the United
21 States, to counsel for the defendant, to the United States Marshal, and to
22 the United States Pretrial Services Officer.

23 DATED this 9th day of December, 2005.

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25 MONICA J. BENTON
26 United States Magistrate Judge

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